

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: P.K. Gupta et al. Attorney Docket No.: 24866A / WEYE127079
Application No.: 10/636081 Art Unit: 1661 / Confirmation No.: 9824
Filed: August 6, 2003 Examiner: A.H. Para
Title: METHODS FOR PRODUCING CONIFER SOMATIC EMBRYOS

RESPONSE AFTER FINAL

Seattle, Washington 98101

March 9, 2009

TO THE COMMISSIONER FOR PATENTS:

Claims 1-13, 15-19, 21, 23, and 24 are pending in the application. Claims 1-13, 15-19, 21, 23, and 24 stand rejected. Reconsideration and allowance of Claims 1-13, 15-19, 21, 23, and 24 in view of the following remarks is respectfully requested.

The Rejection of Claims 1-13, 15-19, 21, 23, and 24 Under 35 U.S.C. § 102(b) as Being Anticipated by U.S. Patent No. 5,294,549 (Pullman et al.)

Claims 1-13, 15-19, 21, 23, and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,294,549 (Pullman et al.). The Examiner has taken the position that Pullman et al. discloses a method of cultivating conifer pro-cotyledonary somatic embryos in a maintenance medium comprising nutrients that sustain the embryos, having an osmolality of 170 mM/Kg to about 240 mM/Kg (Col. 15, lines 1-3), followed by transfer to a singulation medium comprising gibberellin and/or abscisic acid at a concentration of 0.05 and 15 mg/L (Col. 13, lines 40-60) and activated charcoal (Col. 13, lines 50-54) for at least three weeks (Col. 15, lines 23-26), and finally, transfer to a development medium wherein the osmolality is about 400 mM/Kg (Col. 15, line 60). Applicants traverse this ground of rejection for at least the following reasons.

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